

REMARKS

In the Final Office Action¹, the Examiner rejected claims 6-13 under 35 U.S.C. § 112, first paragraph; and rejected claims 6-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,714,797 to Rautila ("*Rautila*").

The Examiner rejected claims 6-13 under 35 U.S.C. § 112, first paragraph, because the "claim(s) contain subject matter which was not described in the specification . . . 'enabling customer to view ***physical*** commodities . . . at the store terminal'" (emphasis in the original) (Final Office Action at page 3).

The Examiner states, "[n]one of the cited portions (of alleged support) appear to be related to a method for providing electronic content to a customer using a remote user terminal and a store terminal via a first and second communication channel."

"There is no requirement that the words in the claim must match those used in the specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision." See *M.P.E.P.* § 2173.05(e), 8th Ed., Rev. 6 (Sept. 2007).

The specification discloses, a "goods distribution system 1 sells commodities of goods providers 2A to 2N, and 3A to 3N at stores 4A to 4N. The goods distribution system 1 uses store terminals 5A to 5N to provide various services in addition to the sale of commodities on display in the stores 4A to 4N, and accepts retrieval by each user 6 via the Internet (a first communication channel) about music downloading among

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

the services by the store terminals 5A to 5N” (page 11, line 18 - page 12, line 2). The specification further discloses, “[t]his enables, in the goods distribution system 1, retrieval of purchasable music at the store terminals (via a second communication channel) 5A to 5N” (page 15, lines 23-25). The specification also discloses, “opening screen . . . at each of the store terminal 5A to 5N . . . the care menu (on the opening screen) is used to open menu screens of various car-related services” including “retrieval and sale of a new car and a used car (physical goods)” (page 21, lines 15-19). Accordingly, the specification discloses retrieving information about electronic content available at store terminals 5A to 5N through a first communication channel, retrieving an electronic content from the store terminals 5A to 5N through a second communication channel connected directly from the store terminals 5A to 5N, and viewing physical commodities available for purchase at the store terminals 5A to 5N.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 6-13 under 35 U.S.C. § 112, first paragraph.

Applicant respectfully traverses the rejection of claims 6-13 under 35 U.S.C. § 103(a) as being unpatentable over *Rautila*. A *prima facie* case of obviousness has not been established.

Claim 6 recites a method including, for example, “obtaining an identification code . . . for identifying the electronic content item, wherein the identification code corresponds only to the electronic content item.” *Rautila* fails to disclose at least obtaining as recited in claim 6.

Rautila discloses, “user . . . may select . . . a particular digital product desired and place a purchase order with the electronic shop server . . . whether the user [] decides

to have the electronic product downloaded at a hotspot network location or via the cellular phone capability of the mobile station 10, a unique order number is transmitted to mobile station [] by the electronic shop server" (col. 6, lines 5-38). *Rautila* further discloses, "receiving through the mobile network a unique order number corresponding to the mobile device, the ordered digital product, and the identified hotspot network" (col. 9, lines 61-62). The unique order number of *Rautila* does **not** correspond only to the desired digital product. The unique order number of *Rautila* corresponds to the desired digital product, a mobile device, and an identified hotspot network. The unique order number is used to obtain the desired digital product on the desired mobile device from the desired hotspot network. Even assuming that the "unique order number" and "ordered digital product" of *Rautila* could correspond to the claimed "identification code" and "electronic content item," respectively, which the Applicant does not concede, "corresponding to the mobile device, the ordered digital product, and the identified hotspot network," as taught in *Rautila*, cannot constitute "correspond[ing] **only** to the electronic content item" (emphasis added), as recited in claim 6.

Furthermore, claim 6 recites, "enabling the customer to view physical commodities that are available for purchase, in addition to the electronic content items, at the store information terminal." *Rautila* does not disclose enabling as recited in claim 6.

Rautila discloses, "user [] may browse the content titles available . . . user may select . . . a particular digital product desired and place a purchase order" (col. 6, lines 2-6). *Rautila* also discloses, "user [] may make further searches and purchases of digital products while located at hotspot network [] location . . . digital product which

would ultimately be sold to user [] and downloaded into mobile station" (col. 5, lines 47-53). "[D]igital product which would ultimately be . . . downloaded into mobile station," as taught in *Rautila*, cannot constitute "physical commodities," as recited in claim 6.

Accordingly, *Rautila* fails to render the subject matter recited in claim 6 obvious. Independent claim 10, though of different scope than claim 6, is allowable over *Rautila*, for at least the same reasons as claim 6. Claims 7-9 and 11-13 depend from claims 6 and 10, respectively, and are thus allowable over *Rautila*, for at least the same reasons as claims 6 and 10.

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: October 6, 2008

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